

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DUSTIN ALLEN HAYES,

Plaintiff,

v.

KARL GLASCOCK, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

No. 4:23-cv-00006-SRC

Memorandum and Order

Before the Court is Plaintiff’s motion to appoint counsel. Defendant opposes the motion, and the matter is now ripe for disposition. The Court denies the motion.

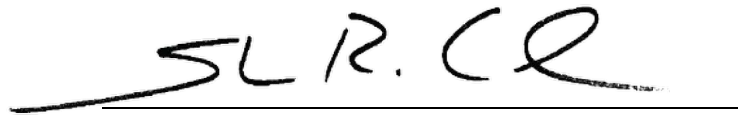
There is “neither a constitutional nor a statutory right to appointed counsel in civil cases.” *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018) (citing *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006)). A district court may appoint counsel if it is “convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel.” *Id.* (citing *Johnson v. Williams*, 788 F.2d 1319, 1322 (8th Cir. 1986)). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the factual complexity of the issues, the litigant’s ability to investigate the facts and present his claims, the existence of conflicting testimony, and the complexity of the legal arguments. *Id.* (citing *Phillips*, 437 F.3d at 794).

In this case, there is no indication that Plaintiff is incapable of representing himself. In fact, as Defendant notes, Plaintiff has demonstrated that he is well able to present his claims to the Court, and to prosecute this action. Additionally, nothing in the instant motion or in the

record before the Court indicates that the factual or legal issues are sufficiently complex to justify the appointment of counsel, and there is currently no indication of conflicting testimony. However, recognizing that circumstances may change, the Court denies the motion for appointment of counsel without prejudice, and will entertain future such motions, if appropriate, as the case progresses.

Accordingly, the Court denies without prejudice Plaintiff's Motion for Appointment of Counsel. Doc. 19.

Dated this 10th day of May 2023.



STEPHEN R. CLARK
CHIEF UNITED STATES DISTRICT JUDGE